

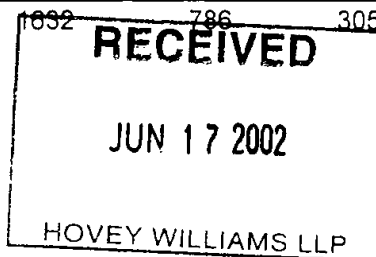


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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/817,869	03/26/2001	1032	786	30509	10	59	5

Hovey, Williams, Timmons & Collins  
Suite 400  
2405 Grand Boulevard  
Kansas City, MO 64108



CONFIRMATION NO. 8088

## FILING RECEIPT



\*OC000000008260248\*

Date Mailed: 06/12/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Xuemin Wang, Manhattan, KS;  
Yongming Sang, Manhattan, KS;

Domestic Priority data as claimed by applicant

ALECTO

Foreign Applications

JUN 17 2002

ENTERED BY GNS

If Required, Foreign Filing License Granted 06/10/2002

Projected Publication Date: To Be Determined - pending completion of Sequence Disclosures

Non-Publication Request: No

Early Publication Request: No

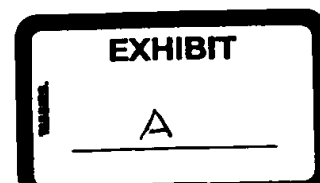
\*\* SMALL ENTITY \*\*

## Title

Drought tolerant plants and methods of increasing drought tolerance in plants

Preliminary Class

800



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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/817,869	03/26/2001	Xuemin Wang	30509

Hovey, Williams, Timmons & Collins  
Suite 400  
2405 Grand Boulevard  
Kansas City, MO 64108

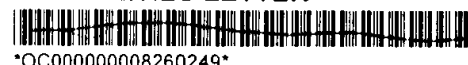
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OFFICE OF PETITIONS

CONFIRMATION NO. 8088

FORMALITIES LETTER



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Date Mailed: 06/12/2002

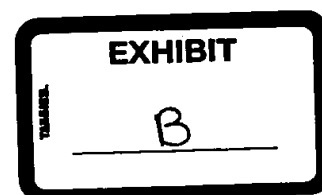
### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)



The following item(s) appear to have been **omitted** from the application:

ALECTO

JUN 17 2002

- Figure(s) 2-5 described in the specification.

ENTERED BY *Agm*

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition


under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*

  
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PART 1 - ATTORNEY/APPLICANT COPY

CASE: WANG, et al.

Docket No. 30509

DROUGHT TOLERANT PLANTS AND METHODS OF INCREASING DROUGHT TOLERANCE IN PLANTS

Express Mail No. EL759816478US

MAILED:

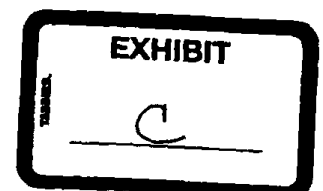
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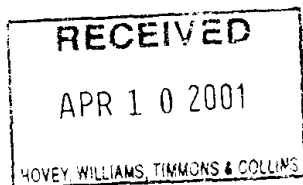
3/26/01



**INSTRUMENT:**

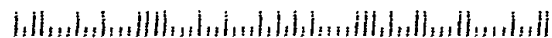
Express Mail Certificate (1 pg), Patent Application Transmittal Letter (original plus one); Patent Application for DROUGHT TOLERANT PLANTS AND METHODS OF INCREASING DROUGHT TOLERANCE IN PLANTS (30 pgs); \$774.00 Patent Application Filing Fee; Petition to Accept Color Photos; \$130 Petition Fee; Twenty-four (24) Formal Drawing Sheets; Assignment Transmittal (1 pg); Assignment (3 pgs); \$40.00 Assignment Recordation Fee; Combined Declaration and Statement of the United States Patent and Trademark Office. The official date stamp of the United States Patent and Trademark Office is evidence of the fact that subject instrument for the above-identified case has been received by the United States Patent & Trademark Office. Letter for CD Rom, Two (2) CD Rom, Paper Copy of Sequence Listing, Return Postcard





**HOVEY, WILLIAMS, TIMMONS & COLLINS**  
2405 Grand Boulevard  
Suite 400  
Kansas City, Missouri 64108

34108+2513



# UTILITY PATENT APPLICATION TRANSMITTAL

## (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
30509

Total Pages in this Submission

### TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**DROUGHT TOLERANT PLANTS AND METHODS OF INCREASING DROUGHT TOLERANCE IN PLANTS**

and invented by:

**WANG, Xuemin and Yongming Sang**

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

### Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having \_\_\_\_\_ · 30 \_\_\_\_\_ pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☐ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Microfiche Appendix (if applicable)
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if drawings filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

**EXHIBIT**

D

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

*(Only for new, nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
30509

Total Pages in this Submission

**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*  
a. ☒ Formal      b. ☐ Informal      Number of Sheets 24
4. ☒ Oath or Declaration  
a. ☒ Newly executed *(original or copy)*      ☐ Unexecuted  
b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*  
c. ☒ With Power of Attorney      ☐ Without Power of Attorney  
d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under  
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☒ Genetic Sequence Submission *(if applicable, all must be included)*  
a. ☒ Paper Copy  
b. ☒ Computer Readable Copy  
c. ☒ Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8. ☒ Assignment Papers *(cover sheet & documents)*
9. ☐ 37 CFR 3.73(b) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☐ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing  
☐ First Class      ☒ Express Mail *(Specify Label No.):* EL759816478US

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**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
30509

Total Pages in this Submission

**Accompanying Application Parts (Continued)**

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Small Entity Statement(s) - Specify Number of Statements Submitted: \_\_\_\_\_
17. ☐ Additional Enclosures (please identify below):

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**Fee Calculation and Transmittal**

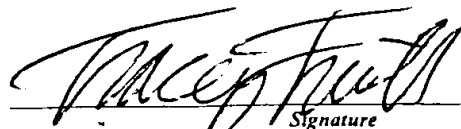
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**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	59	- 20 =	39	x \$9.00	\$351.00
Indep. Claims	5	- 3 =	2	x \$39.00	\$78.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$345.00
OTHER FEE (specify purpose) _____					\$0.00
TOTAL FILING FEE					\$774.00

- ☒ A check in the amount of **\$774.00** to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. **19-0522** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: March 26, 2001

  
Signature

Tracey S. Truitt, Reg. No. 43,205  
Hovey, Williams, Timmons & Collins  
2405 Grand Boulevard, Suite 400  
Kansas City, Missouri 64108  
(816) 474-9050

cc:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): WANG, et al.

Docket No.  
30509

Serial No.

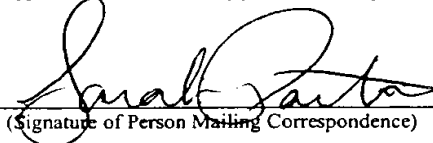
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Examiner

Group Art Unit

Invention: DROUGHT TOLERANT PLANTS AND METHODS OF INCREASING  
DROUGHT TOLERANCE IN PLANTS

I hereby certify that this Express Mail Certification; Express Mail Certificate (1 pg); Patent Application Transmittal Letter (original plus one); Patent Application for DROUGHT TOLERANT PLANTS AND METHODS OF INCREASING DROUGHT TOLERANCE IN PLANTS (30 pgs); \$774.00 Patent Application Filing Fee; Petition to Accept Color Photos; \$130 Petition Fee; Twenty-four (24) Formal Drawing Sheets; Assignment Transmittal (1 pg); Assignment (3 pgs); \$40.00 Assignment Recordation Fee; Combined Declaration and Power of Attorney (2 pgs); Sequence Statement; Transmittal Letter for CD Rom; Two (2) CD Rom; Paper Copy of Sequence Listing; Return Postcard is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on March 26, 2001.

Sarah Parton*(Typed or Printed Name of person Mailing Correspondence)*  
*(Signature of Person Mailing Correspondence)*EL759816478US*("Express Mail" Mailing Label Number)***EXHIBIT**

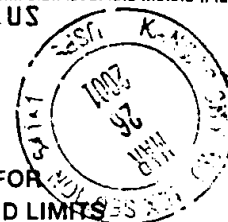
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## 37 C.F.R. § 1.10

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Date 3/26/01

(This date is contemporaneous with or within one day of the acts recorded below.)

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(use separate Mail Log for each Label No.)

### PAPERS SUBMITTED

1. Practitioner JMC/TST ☒ New case ☐ Check for \$ 774/130/40  
 App. No. 30509 ☐ Amendment ☒ Return Postcard  
 Docket 30509 ☒ Other assignment, seq.
2. Practitioner \_\_\_\_\_ ☐ New case ☐ Check for \$ \_\_\_\_\_  
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 Docket \_\_\_\_\_ ☐ Other \_\_\_\_\_
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Sarah Parham  
(type or print name of person keeping log)

Signature

EXHIBIT

F

STATEMENT OF ACTIONS  
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I state that on 3/26/01, I personally mailed, by Express Mail, in the  
Date  
manner indicated, the papers recorded on the EXPRESS MAIL LOG dated  
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Date

This statement is being made on:

- ☐ the same day as  
☒ one business day after

the papers shown on the EXPRESS MAIL LOG were deposited in the manner described.

Sarah Parton

(type or print name of person making statement)

\_\_\_\_\_  
Signature of person making statement